

CCRB INVESTIGATIVE RECOMMENDATION

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|--|---|-------------------------------|--|---|--|
| Investigator: Jean Paul Lozada | Team: Squad #2 | CCRB Case #: 201507416 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input checked="" type="checkbox"/> Injury |
| Incident Date(s) Wednesday, 08/26/2015 11:49 PM | Location of Incident: [REDACTED] | Precinct: 43 | 18 Mo. SOL 2/26/2017 | EO SOL 2/26/2017 | |
| Date/Time CV Reported Wed, 09/02/2015 10:43 AM | CV Reported At: CCRB | How CV Reported: In-person | Date/Time Received at CCRB Wed, 09/02/2015 10:43 AM | | |
| Complainant/Victim | Type | Home Address | | | |
| [REDACTED] | [REDACTED] | [REDACTED] | | | |
| Witness(es) | Home Address | | | | |
| [REDACTED] | [REDACTED] | | | | |
| Subject Officer(s) | Shield | TaxID | Command | | |
| 1. POM Derrick Kreckmann | 26021 | 954032 | PSA 8 | | |
| 2. POM Ernest Takacs | 06556 | 954361 | PSA 8 | | |
| Officer(s) | Allegation | | | Investigator Recommendation | |
| A.POM Ernest Takacs | Discourtesy: PO Ernest Takacs spoke rudely to § 87(2)(b) [REDACTED] | | | [REDACTED] | |
| B.POM Derrick Kreckmann | Force: PO Derrick Kreckmann used physical force against § 87(2)(b) [REDACTED] | | | [REDACTED] | |

Case Summary

On September 2, 2015, § 87(2)(b) filed this complaint at the CCRB as a walk-in complainant.

On August 26, 2015, at approximately 11:49 p.m., § 87(2)(b) got into an altercation with his child's mother, § 87(2)(b) at her apartment at § 87(2)(b) § 87(2)(b) in the Bronx. § 87(2)(b) § 87(2)(b) called 911 and § 87(2)(b) was subsequently stopped by PO Ernest Takacs and PO Derrick Kreckmann on § 87(2)(b) in the Bronx. PO Takacs allegedly said, "Where the fuck are you going, § 87(2)(b) Where the fuck are you going?" (**Allegation A**) § 87(2)(b) interlocked his fingers behind his head and PO Kreckmann allegedly grabbed and twisted his left pinky finger (**Allegation B**), allegedly resulting in a small fracture. PO Kreckmann then handcuffed § 87(2)(b) who was arrested and brought to PSA 8. § 87(2)(b) was taken to § 87(2)(b) Hospital in police custody for shortness of breath, but was not treated for his broken finger until he went to § 87(2)(b) Hospital after he was released from the § 87(2)(b).

This case falls under the exception category due to § 87(2)(b)'s fractured left pinky finger.

Mediation, Civil and Criminal Histories

- This complaint was ineligible for mediation due to § 87(2)(b)'s arrest, injury, and his intention to file a lawsuit.
- On October 6, 2015, an online Freedom of Information Law request for any notice of claim filed by § 87(2)(b) in regards to this incident was sent to the NYC Comptroller's office (Board Review 01). Any responsive notice of claim will be added to the case file upon receipt.
- § 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (Board Review 03).
- PO Ernest Takacs has been a member of the NYPD for 2 years and has 1 prior CCRB allegation involving 1 case with no substantiated allegations. § 87(2)(g)
- PO Derrick Kreckmann has been a member of the NYPD for 2 years and has 27 prior CCRB allegations involving 11 cases with 4 substantiated allegations.
 - PO Kreckmann has been the subject of physical force allegations in CCRB case numbers 201401453 (complainant uncooperative), 201405175 (complainant unavailable), 201406237 (complainant uncooperative), 201409968 (exonerated), 201410132 (unfounded), 201505248 (currently awaiting board review), and 201507430 (currently awaiting board review).
 - In case number 201505132, it was alleged that PO Kreckmann improperly stopped one individual, frisked and searched two individuals, and spoke rudely to one individual. The frisks and searches were substantiated while the stop and discourtesy were unsubstantiated. The board recommended a penalty of Command Discipline A and the NYPD has not yet imposed a penalty against PO Kreckmann.

Findings and Recommendations

Allegation A – Discourtesy: PO Ernest Takacs spoke rudely to § 87(2)(b)

§ 87(2)(b) alleged that PO Takacs exited the RMP and said, “Where the fuck are you going, § 87(2)(b) Where the fuck are you going?” PO Takacs denied making this statement and stated that he did not use any profanities towards § 87(2)(b). PO Kreckmann did not recall PO Takacs making this statement or using any profanities during this incident. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation B – Force: PO Derrick Kreckmann used physical force against § 87(2)(b)

Before § 87(2)(b) was handcuffed, his fingers were interlocked behind his head. § 87(2)(b) alleged that PO Kreckmann grabbed § 87(2)(b) by his left pinky finger and twisted it before pulling his arm behind his back and handcuffing him, causing his finger to “snap.” § 87(2)(b) stated that he cooperated with PO Kreckmann, did not keep his arm stiff, and let PO Kreckmann pull his arm behind his back. At central booking, § 87(2)(b) requested medical attention for shortness of breath and was taken to § 87(2)(b) Hospital. At § 87(2)(b) Hospital, § 87(2)(b) allegedly could not feel his pinky due to “adrenaline.” § 87(2)(b) stated that while en route to the § 87(2)(b) § 87(2)(b), he realized that his finger was swollen. § 87(2)(b) received an x-ray at § 87(2)(b) and was told that his finger was “slightly” broken, but did not receive any medical attention. When he was released on § 87(2)(b), § 87(2)(b) went to § 87(2)(b) Hospital for further medical attention and was told that his finger was broken or chipped below the top knuckle. His finger was treated at § 87(2)(b) Hospital with a splint.

In her second 911 call (Board Review 04), § 87(2)(b) s child’s mother, § 87(2)(b) stated to the 911 operator that § 87(2)(b) was intoxicated.

According to § 87(2)(b) s medical records from § 87(2)(b) Hospital, § 87(2)(b) s chief complaint was shortness of breath due to asthma. There is no mention of any injury to § 87(2)(b) s finger in his medical records from § 87(2)(b) Hospital. § 87(2)(b) was admitted into § 87(2)(b) Hospital on § 87(2)(b) and was discharged later that day at § 87(2)(b). § 87(2)(b) was alert and oriented, requested to be discharged, and was at times non-compliant with care. According to § 87(2)(b) s medical records from § 87(2)(b) Hospital, § 87(2)(b) was diagnosed with an “avulsion fracture of the base of the distal fifth phalanx of the fifth digit.” This injury is also described as a mallet deformity and a contusion. The medical records note that § 87(2)(b) stated, “My left pinky was twisted by the police 1 week ago.” § 87(2)(b) was admitted into § 87(2)(b) Hospital on § 87(2)(b).

PO Kreckmann stated that he had § 87(2)(b) put his hands behind his head. He stated that he then grabbed § 87(2)(b) s left wrist, handcuffed his right wrist, brought his right wrist behind his back, then his left wrist, and then applied the second cuff. PO Kreckmann denied grabbing § 87(2)(b) by his pinky finger at any point and twisting his pinky finger. He stated that § 87(2)(b) was intoxicated but compliant and did not offer physical resistance. PO Kreckmann noted in § 87(2)(b) s arrest report (Board Review 05) that § 87(2)(b) had consumed alcohol and was intoxicated at the time of his arrest.

PO Takacs initially stated that he did not recall where § 87(2)(b) s hands were before PO Kreckmann applied the handcuffs. However, he later stated that § 87(2)(b) s hands were behind his lower back at the point that he observed PO Kreckmann applying the handcuffs. PO Takacs did not recall § 87(2)(b) s hands being interlocked behind his head at any point. PO Takacs did not observe PO Kreckmann pull § 87(2)(b) s hands from behind his head to his lower back or grab and twist § 87(2)(b) s pinky finger. PO Takacs stated that § 87(2)(b) did not appear to offer physical resistance at any point.

§ 87(2)(b), § 87(2)(g)

Squad: 2

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date